

May 10, 2017

Delaware USTAC



Agenda

- Introductions 10:00-10:05
- Review of the Minutes from April 12th, 2017 Meeting 10:05-10:15
- Discussion of draft regulations: Part B 10:15-12:00
- Lunch Break 12:00-1:00
- Discussion of draft regulations: Part E Requirements 1:00-2:45
- Goals for Next Meeting 2:45-2:50
- Public Comment 2:50-3:00



Purpose of USTAC

- The purpose of the Underground Storage Tank Advisory Committee is to provide feedback and assist the Department in developing changes to the Delaware Underground Storage Tank Regulations and improving Delaware's Underground Storage Tank Program.
- Members are expected to share their perspective and technical expertise to assist DNREC in these efforts.



Meeting Governance

Chair: Alex Rittberg and Co-Chair Lori Spagnolo (Primary Facilitators)

Focuses on the process – the how of the session. Preserves the integrity and disciplined use of the process. Guides the process without directing it. Invites people to attend the meeting and designates them as committee members.

Committee Members Share responsibility for a successful group session with the primary facilitator.

Note Taker: Jenn Vavala Takes detailed notes of the meeting for distribution later.

Timekeeper: Sara Golladay Monitors how long the group is taking to accomplish its tasks. Provides regular updates to keep group members moving forward.

Meeting Governance

USTTAC Meeting Ground Rules



- Start and End on Time
- No side conversations
- Respect the agenda
- Keep an open mind
- Respect differences of opinion
- No personal attacks
- Be positive
- Speak one at a time and give everyone a chance to speak
- Be honest and have trust
- Ask questions
- Help facilitator, scribe and note taker capture ideas accurately.
- State a purpose when introducing each new topic.
- Decisions by consensus with motions and votes
- Bio breaks as needed
- Share responsibility for team's progress

Promulgation Schedule



Tuesday January 24, 2017 Discuss Initial Draft of Changes with the USTAC

Friday March 31, 2017 Share 2nd draft of changes with USTAC and EPA

Wednesday, April 12, 2017 USTAC Meeting Part A and Part B (10 a.m. - 3 p.m.)

Wednesday, May 10, 2017 USTAC Meeting Part A, Part B, Part E (1 - 3 p.m.)

Wednesday, June 28 2017 USTAC Meeting Part A, Part B, Part C, Part D, Part E (1 - 3 p.m.)

Thursday July 6 2017 Make any necessary changes to 3rd draft and share with USTAC and EPA

Promulgation Schedule (Cont.)

July -September , 2017

EPA Review

November 15, 2017

Conduct USTAC₄ Meeting

January 2018

Conduct Public Workshops

March 2018

Proposed Regulations to State Registrar

July 2018

Promulgation by Cabinet Secretary

October 2018

State Program Approval



Discussion of Draft Changes to UST Regulations

Draft changes based on Federal Rule Changes

- Airport Hydrant Fuel Systems and Field Constructed Tanks
- Emergency Generator Tanks
- Operator Training
- 30 Day Walk Around Inspections
- Overfill Protection
- Secondary Containment
- Containment Sump Testing
- Other Definitions
- Reference Standards



Discussion of Draft Changes to UST Regulations

Changes not driven by Federal Rule Changes

- Additional Rules for USTs located at Marinas
- Consistency with ITRC Regarding NAPL Definitions
- Sustainable Remediation Techniques
- Use of Institutional Controls

Delaware Regulations Governing Underground Storage Tanks

Part A: General Requirements for Underground Storage Tank Systems

Part B: Installation, Operation and Maintenance: Excludes Heating Fuel

Part C: Installation, Operation and Maintenance: Heating Fuel

Part D: Installation, Operation and Maintenance: Hazardous Substances

Part E: Requirements for Release Reporting, Corrective Action

Delaware Regulations Governing Underground Storage Tanks

Part F: Financial Responsibility

Part G: Contractor Certification

~~Part H: Governing Reimbursement for Petroleum Contamination~~
~~Site Cleanup~~

Part H: Field Constructed Tanks

Part I: Airport Hydrant Fuel Systems

Uncontained Sump Concerns:

- Product released goes directly into the environment with no alarms
- Corrosion concerns with soil and water in direct contact with product piping

60 out of 291 Gas Dispensing Facilities Do Not
Have Containment Sumps

Uncontained Sumps



Dispenser Sump Replacement Projects

Dispenser Sump Data

Year	Total Replaced	Lust impacts	% of replacement with LUST impact
2013	37	13	35.1%
2014	5	2	40.0%
2015	4	2	50.0%
2016	19	2	10.5%
Total ('13-'16)	65	19	29.2%

Containment Sump Retrofit Projects

Tank Top Sump (STP) Data			
Year	Total Replaced	Lust impacts	% of replacement with LUST impact
2013	17	10	58.8%
2014	25	10	40.0%
2015	25	3	12.0%
2016	36	5	13.9%
Total ('13-'16)	103	28	27.2%

Spill Bucket Failure Projects

Spill Bucket (SB) Data - not including Spill Buckets replaced due to VR Decommissioning			
Year	Total Replaced	Lust impacts	% of replacement with LUST impact
2013	21	18	85.7%
2014	34	19	55.9%
2015	48	20	41.7%
2016	44	18	40.9%
Total ('13-'16)	147	75	51.0%

Secondary Containment Requirements

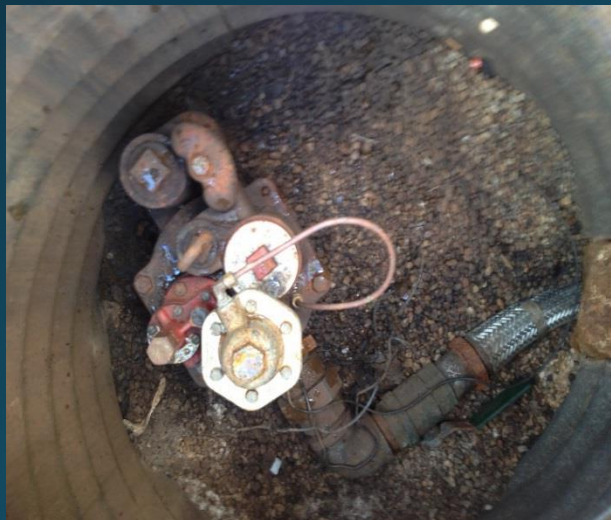
DNREC Has Had Secondary Containment Requirements in Place Since 2008

New Federal Requirements:

- Requires new and replaced tanks and piping to be double walled.
- Requires interstitial monitoring (and sumps if they are used for interstitial monitoring)
- Requires under-dispenser containment for new dispenser systems

What DNREC would like to change:

- Phase out non liquid tight containment found at the tank top and under dispensers.





Operator Training Requirements

DNREC Has Had UST Operator Training Requirements in Place Since 2010

New Federal Requirements:

- Owners must designate and ensure 3 classes (A,B, & C) of operators are trained
- Recordkeeping is required for as long as the operator is designated at the facility
- Retraining is required for Class A and B operators at facilities determined to be out of compliance

30 Day Walk Around Inspections



DNREC Has Had Routine Inspection Requirements in Place Since 2008

New Federal Requirements:

- Walk around inspection every 30 Days
 - Check spill prevention equipment
 - Check release detection equipment and records
- Annually
 - Check containment sumps
 - Check hand held release detection equipment

What DNREC will need to change:

- 28-31 Days will Change to every 30 Days
- DNREC is currently more stringent in inspecting containment sumps as part of 30 day walk around inspection.



Requirements for Overfill Protection



New Federal Requirements:

- Overfill protection equipment will be checked every 3 years.
- Inspect to make sure overfill operates as intended
- Ball Floats will not be allowed on retrofit or new installations.



What DNREC will need to change:

- DNREC will add an annual inspection requirement for owners/operators to demonstrate that overfill equipment functions properly.
- Prohibition on installing ball floats at new installation or when replacement is needed.



What DNREC would like to change: Phase out the use of ball floats on all systems.



Containment Sump Testing

DNREC Has Had Containment Sump Testing Requirements in Place Since 2008

New Federal Requirement:

- Test sumps used for piping interstitial monitoring to ensure they are liquid tight every 3 years.
 - Double-walled sumps with periodic interstitial monitoring between the containment sump walls are not required to meet the testing requirement
 - Keep records for 3 years



DNREC would like to change:

- Test all containment sumps to see if they are liquid tight every three years.



Removing Deferrals for Field-Constructed USTs and Airport Hydrant Fuel Distribution Systems

- ***New Federal Requirements:***
 - Requires Release Reporting, Spill Prevention, Overfill Prevention, Release Protection, Cathodic Protection, Operator Training.
 - Exceptions to meeting secondary containment requirement for some FCT & AHS piping
 - Provides unique options for meeting release detection requirements



Removing Deferral for Emergency Generator USTs

DNREC has had requirements release detection for emergency generator USTs since 2008.

New Federal Requirements:

- Removes the deferral and requires release detection for existing tanks and piping associated with Emergency Generator USTs. New installations must meet all standards.

What DNREC will need to change:

- New and existing emergency generator USTs release detection for piping will need to be modified.





Part A Reference Organizations and Standards (Pages 14-17)

Reference Standards were added based on changes to the federal regulations to comply with technical requirements or because they were newly cited by DNREC.

Examples:

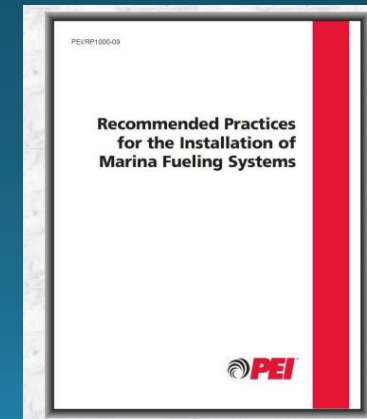
3.3.5.5 RP 1200, *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*

3.3.5.4 RP 1000 *Marina Fueling Facility Systems (2014 Edition)*

Still need to list specific editions of the documents.

Additional Requirements for USTs at Marinas

- Definitions of Marina UST, Marina Fueling Facility
- Referenced PEI RP 1000
- Require upgrade to marine grade equipment at new installation and retrofit.



Sustainable Remediation Techniques

- Referenced ASTM and ITRC Guidance
- Encouraged but not required
- Incorporated into Remedial Action Workplans





Institutional Controls

- Acknowledge that institutional controls can be incorporated into a remedial action workplan to manage the risk from exposure to hazardous substances.
- When required ensure the institutional control has been put in place before issuing a No Further Action Letter
- Deed Notices
- GMZ's
- Environmental Covenants



Written Comments on the Draft
Regulations Can be sent to

DNREC_USTRegulations@state.de.us



Opportunities for public participation and
public comments.

Next Meeting Date Wednesday June 28th, 2017
10AM-3PM